

REMARKS

Claims 1-8 are pending in the application.

Applicant submitted a claim for foreign priority under 35 U.S.C. § 119 from Japanese patent application number 2002-335911 (filed November 20, 2002) on November 19, 2003, along with a certified copy of the foreign priority application. The Examiner did not acknowledge Applicant's filings in the Office Action Summary. Applicant respectfully requests that the Examiner acknowledge Applicant's claim for foreign priority and receipt of certified copies of the priority documents.

Applicant acknowledges with appreciation the Examiner's finding that claims 2-4 and 6-7 contain allowable subject matter. Applicant submits that the reasons for allowability provided include only the Examiner's interpretation, which should in no way limit the scope of the allowable claims. Applicant further submits that claims 1 and 5, as demonstrated below, are allowable over the Examiner's cited references, and, accordingly, request that the Examiner allow claims 2-4 and 6-7, which depend from claims 1 and 5, respectively.

Claims 1, 5, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,850,758 to Paul et al. in view of U.S. Patent No. 5,754,952 to Hodges et al., and further in view of U.S. Patent No. 5,915,226 to Martineau. Applicant respectfully traverses the rejection.

The Examiner relied upon Martineau as a reference providing the motivation to combine Paul et al. and Hodges et al. Applicant respectfully submits that it would not have been obvious to one skilled in the art to combine the references in the manner proposed by the Examiner.

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The cited portions of Martineau, col. 2, lines 16-67, merely describe methods for providing GSM service to "credit challenged" individuals, one of which is called "Advice of Charge" (AOC) for use in family usage or rental applications. According to this method, a subscriber may turn his or her subscription into a restricted mode where only limited units of call charge may be used while a device is in this restricted mode. Thus, for example, a rented device would have a limited number of, say, minutes that a renter may use for making calls. In this context, therefore, such portions of Martineau do not provide motivation for combining with either Paul et al. or Hodges et al. in the manner proposed by the Examiner.

The cited portions of Paul et al.—Fig. 2, col. 1, lines 28-40, and col. 5, lines 43-59—merely describe storing a subscriber identifier in memory and a master-slave relationship between devices for creating a unified subscriber profile ("one operator, one profile") so that services such as voicemail may be provided to a subscriber across different devices and platforms. In other words, the master-slave relationship described in such portions of Paul et al. merely provides for creating a single profile for a subscriber across different platforms, where "the service profile that has been set up for the master shall also be valid for the slave or slaves." Col. 5, lines 48-49 of Paul et al. On the other hand, the cited portions of Hodges et al., Fig. 3 and col. 4, lines 59-61, merely describe a conditional branch of a process for authenticating a wireless call where it is determined whether a call from a subscriber needs to be forwarded to an IXC central processor for authentication. This method is directed to authenticating the subscriber to prevent fraud by, say, using a stolen device to make calls.

The AOC described in the cited portions of Martineau is directed to lending or renting out a device with a limited block of subscription provided for use on the device. As such, it provides no motivation for combining the master-slave "one operator, one profile" service

providing technique described in the cited portions of Paul et al. with the subscriber authentication described in the cited portions of Hodges et al. It was, therefore, improper hindsight from the claimed invention to combine the references in the manner proposed by the Examiner.

A fortiori, the cited portions of Hodges et al. are directed to authenticating a subscriber and the cited portions of Martineau are directed to limiting call units in a restricted mode. Both are directed to allowing and disallowing calls. As such, neither provides any description of restricting a service that incurs payment except for telephone call fee. And the "one operator, one profile" technique described in Paul et al. does not provide any motivation for modifying these call restriction methods to isolate and restrict such a service.

Therefore, even assuming, arguendo, that it would have been obvious to combine Paul et al., Hodges et al., and Martineau, such a combination would still fail to disclose or suggest,

"a recording medium to record information of a subscriber,
and
means for restricting execution of a service that incurs payment except for telephone call fee based on information indicative of master-slave relation recorded in said recording medium," as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1 is patentable over Paul et al., Hodges et al., and Martineau, individually and in combination, for at least the above-stated reasons. Claim 5 includes features corresponding to those of claim 1 cited above, and is, therefore, together with claim 8 dependent therefrom, patentable over the cited references for at least the same reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically

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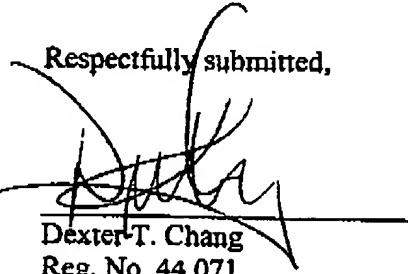
indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicant appreciates the Examiner's implicit finding that the additional U.S. patents and publications made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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